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Notice of Allowability	Application No.	Applicant(s)	
	10/042,284	BISHOP ET AL.	
	Examiner	Art Unit	
	Sanza L. McClendon	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 21, 2004.
2. ☒ The allowed claim(s) is/are 1,3,5-8,11-15 and 17-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

Response to Amendment

1. In response to the Amendment received on May 21, 2004, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 2, 4, 9-10 and 16; and the addition of new claim 24.

Response to Arguments

2. Applicant's arguments, see Amendment, filed May 21, 2004, with respect to claims 1, 5-8, 10-15, and 17-23 have been fully considered and are persuasive. The rejection of claims 1, 5-8, 10-15, and 17-23 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Ishikawa et al (WO 99/52958) as evidenced by Chawla et al (5,977,202) has been withdrawn. The instantly claimed invention is distinguished over the prior art because the prior art fails to teach a radiation curable composition having a viscosity less than 10,000 cps at 25 °C comprising at least one radiation curable oligomer having at least 50 mol% of diisocyanate residues that are absent from having cyclic structures in combination with up to 10-wt% of a mono-functional diluent comprising at least 50-wt% of said diluent is absent from having aromatic rings that provides for after cure a coating having a secant modulus of less than 5 MPa. The prior art teaching using mono-functional diluent that are absent from aromatic structure and the prior art teaching adding reactive diluents in amounts that provide for superior coating properties; however the prior art does not expressly lead and/or fairly suggest to an ordinarily skilled artisan to provide a radiation curable composition comprising a radiation curable oligomer comprising diisocyanate residues being at least 50 mol% absent from cyclic moieties in combination with a mono-functional diluents in a low amount (up to 10-wt%) and being at least

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50wt% absent from aromatic structure in such as way that it would render the instant invention with its combined properties before and after cure.

Allowable Subject Matter

3. Claims 1, 3, 5-8, 11-15, and 17-24 are allowed.

4. The following is an examiner's statement of reasons for allowance: The primary reasons for allowance of the instant claims is the disclosure of the mono-functional reactive diluent in the low amount (0-10-wt%) wherein said low amount is 50-wt% absent of aromatic structure in combination with a radiation curable oligomer comprising diisocyanate residues of which 50-mol% are absent of cyclic structure that provides for the composition properties as listed before and after cure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

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James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700